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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,367	02/07/2002	Lun Chai	PAT-1233DIV	2581

7590 07/29/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8k

**Office Action Summary**Application No.  
10/072,367Applicant(s)  
CHAI ET AL.Examiner  
YVONNE M. HORTONArt Unit  
3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 6, 2003.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20, 22, 27, and 28 is/are rejected.
- 7) ☒ Claim(s) 21 and 23-26 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6) ☐ Other:

Application Serial Number: 10/072,367

Art Unit: 3635

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,284,198 to KAUKA. KAUKA discloses a sunshade including a shade (2) and at least two supports (6,7) each having a length (L), first end (FE), and a second end (SE) wherein the second ends (SE) are spaced apart and the length of each support (6,7) are adjustable in that each support (6,7) comprises two sections each (8,9) and (9,10) and has a shortened/folded length as shown in figure 1 and a expanded/longer length as shown in figure 2, see the marked attachment. The first end (FE) of each support (6,7) is coupled to the shade (2) by a connector (14).

5. Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,095,230 to MITCHELL et al. MITCHELL et al. discloses the use of a sunshade including a first and second support (332) each having a length (that is defined from an extension from a

top corner or the shade to an opposite corner of the shade); wherein the first and second end (332) are adjustable in length in that the first and second supports (332) overlap, see figure 10, and are resilient and can be bent to place the shade in a stored position, column 5, lines 18-19. Regarding claim 28, the supports (332) themselves are bendable and are inherently “resilient”.

***Allowable Subject Matter***

6. Claims 21 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 21, the prior art of record fails to teach the use of a sunshade as claimed in claim 20; wherein the each support member has a resilient element with a bar coupled to a second end of the support.

In reference to claim 22, the prior art of record fails to teach the use of a sunshade as claimed in claim 20; wherein the each support member includes a tubular portion that houses a resilient element.

Regarding claim 23, the prior art of record fails to teach the use of a sunshade as claimed in claim 20; wherein the first end of each support member is coupled to a resilient member.

In reference to claim 24, the prior art of record fails to teach the use of a sunshade as claimed in claim 20; wherein the supports are allowed to assume a position on either side of the

connector.

Regarding claim 25, the prior art of record fails to teach the use of a sunshade as claimed in claim 20; wherein the connector includes a central portion and a hingedly attached leaf.

***Response to Arguments***

7. Applicant's arguments are considered moot in view of the new grounds of rejections noted above.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

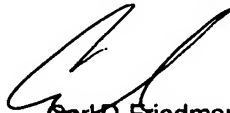
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

Yvonne M. Horton

Art Unit 3635

July 24, 2003

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600